

REMARKS:

Applicant hereby confirms the election of Claims 1 through 19.
Claims 20 and 21 have been cancelled.

Claims 1, 2 and 14 remain herein as independent claims.

Thus the number of claims has been reduced and the total of independent claims is equal to 3 so that no additional claim fees are required.

Claims 1, 2 and 3 have been amended to make more clear that the form structure includes two end walls each formed from a circle of a flexible woven polymer fabric.

In regard to original Claim 1, the Examiner has cited Bradley and indicates that the claim is anticipated by or obvious in view Bradley.

However Bradley clearly discloses a tubular body in which the ends are formed simply by stitching across the end of the tubular wall. This is clear by comparing Figures 9 and 10. Figures 6, 7, 8 and 9 shown intermediate steps in the formation of the tubular wall. Figure 10 and Figure 11 show the horizontal stitch line which connects the top to the bottom of the tubular member to close the end.

The Examiner will appreciate that the tubes of Bradley are intended to be geo-textile containers and thus will be very large. There is therefore no suggestion that the end should be closed using circular end panels. Bradley therefore simply does not disclose such circular end panels so that Bradley is entirely silent on this matter and therefore this feature is not shown in Bradley and therefore cannot be obvious in view of Bradley.

It is submitted therefore that Claim 1 is distinguished from the prior art of Bradley and should therefore be allowed.

Claims 2 and 14 have been amended to set forth that the flexible woven fabric defined in the end panels and the tubular wall consists of a single layer of fabric which is laminated on its inside surface with a metal foil layer.

In regard to this feature, the Examiner has cited Adams. However Adams discloses a structure for forming rigid tubes where there is an inside layer, an outside layer and a foam material between the two layers. Adams therefore does not disclose this particular feature.

Also Bradley is silent in regard to this feature and makes no proposal concerning the provision of a foil layer on the inside of a simple single layer of fabric.

If one were therefore to combine the structure of Adams with the structure of Bradley, one would utilize the tubular material of Adams including all of the layers to replace the material of Bradley. It is clear therefore that the present invention as defined in Claim 2 or in Claim 14 is not an obvious combination of Bradley and Adams.

It is submitted therefore that independent Claims 1,2 and 14 are therefore distinguished from the prior art of Bradley and Adams as cited by the Examiner.

The Examiner has also referred to the prior art of Cizek but simply in regard to the features of Claims 6 and 7. Cizek is therefore not cited in regard to the above features.

8

Minor amendments have been made in Claim 5 and also Claims 13 and 18 have been cancelled so that the objections under 35 U.S.C. 112 raised by the Examiner have been overcome.

In view of the foregoing, further and favourable reconsideration of this application is respectfully requested.

Respectfully submitted

EDWARD A. CAVENAGH

PER:

Adrian D. Battison

Registration No: 31,726

ADB/II

September 6, 2005

Enc.(2)

Adrian D. Battison

Winnipeg, Manitoba, Canada

Telephone (204) 944-0032 - FAX (204) 942-5723

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) 872-9306, on September 6, 2005

LYNN LEATHERDALE

Lynn Leatherdale